

# Notice of Allowability

Application No.

10/063,755

Examiner

George C Yeung

Applicant(s)

BATTAGLIA, JOHN M.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on October 11, 2004.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 01 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

George C Yeung  
Primary Examiner  
Art Unit: 1761

### EXAMINER'S AMENDMENT


In order to correct obvious informalities, pursuant to MPEP 1302.04, the following changes have been made by the Examiner:

1. In claim 10, line 7, the words -- and the filler -- have been inserted after "the plurality of strands" (see the recitation of "the co-extruded filled pasta strands" in claim 10, line 9 and see the recitation of "producing co-extruded pasta from pasta ingredients and a filler" in claim 10, line 1).
2. In claim 11, last line, the word -- strands -- has been inserted after "pasta" (in order to be consistent with "pasta strands" throughout the claim).
3. In claim 12, line 1, the phrase "Claim 10 wherein" has been changed to -- Claim 11 further including the step of -- (note that no antecedent basis has been established in claim 10 for "the crimping/cutting die" recited in claim 12, line 2).

### Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art of record does not show or suggest the present apparatus and method for producing co-extruded pasta from pasta ingredients and filler set forth in claims 1 and 10 comprising: a pasta dough extruder for producing a pasta strand, means for converting the pasta strand into a plurality of strands, a plurality of co-extrusion die inserts positioned in a straight line for forming and filling the pasta strands, and a single crimp/cut die for crimping and cutting the filled pasta strands to form a predetermined pasta configuration.

G.C. Yeung/dh  
November 12, 2004

  
GEORGE C. YEUNG  
PRIMARY EXAMINER